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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,554	03/04/2002	Glenn E. Land	Land	5314

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EXAMINER

MANOHARAN, VIRGINIA

ART UNIT	PAPER NUMBER
1764	

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,554

Applicant(s)

LAND, GLENN E.

Examiner

Virginia Manoharan

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 22-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Applicant's election without traverse of Group I, claims 1-21 in Paper No. 7 are acknowledged.

The disclosure is objected to because of the following informalities: Note typographical error, "out" should be—outer—in claim 5, line 2.

Appropriate correction is required.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors e.g. typographical, grammar, idiomatic, syntax and etc. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 10-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Land (5,932,073) or Turner et al (4,957,200) in view of any one of Salmon (5,348,623), Spencer (4,985,122) or Sundquist (4,690,102).

Either Land or Turner discloses substantially the features of the apparatus as broadly claimed in claim 1. See e.g. the claims at cols. 8-12 of Turner et al and the claims at cols. 10-12 of Land.

The apparatus of Turner or Land differs from the claimed invention in that claim 1 for example, recites "a non-invasive sensor for controlling the level of water in said boiler vessel". However, said non-invasive sensor is a known expediency in the art as taught by anyone of Salmon, Sundquist or Spencer. See e.g. col. 6, lines 40-59 of Sundquist; col. 11, lines 57-65 of Salmon; and the pre-chamber (20) of Spencer. To incorporate the sensor taught by anyone of Sundquist, Spencer or Salmon to the apparatus of Land or Turner would have been obvious to one of ordinary skill in the art in order to utilize a typical-float-type level sensor without having sediment accumulation problems. Note e.g., col. 11, lines 65-68 of the Salmon's reference.

Claims 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Land or Turner in view of anyone of Salmon, Spencer or Sundquist as applied to claims 1-2 and 10-21 above, and further in view of Harkey, Sr., (5,059, 287).

The claimed cover for closing the boiler vessel, said cover supporting said heater for heating water in the inner container as claimed in claim 3 is conventionally done in the art. Note the abstract of Harkey, Sr. To suspend the heater in the cover of the boiler of Land or Turner would have been obvious to one of ordinary skill in the art in the manner as taught by Harkey, Sr. in order to significantly reduced the contaminant scaling on the heating element; and in order to improve the energy efficiency and reduce the element's operating temperature. Note col. 1, lines 43-48.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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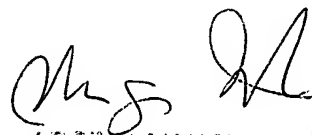
- a. Hung, Tsai and Palmer all disclose a water distiller.
- b. Dennison, Helmich and Beers all disclose an automatic water distiller.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Manoharan whose telephone number is (703) 308-3844. The examiner can normally be reached on Tuesday--Friday from 7:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (703) 308-6824. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9311 for regular communications and (703) 308-0651 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

V. Manoharan/dh
August 1, 2003


VIRGINIA MANOHARAN
PRIMARY EXAMINER
ART UNIT 1764
8/1/03